

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

05 APR 20 PM 4:40

OSTERIA SMITH,
CYNTHIA SMITH and
STATE FARM INSURANCE COMPANY,
as subrogee of OSTERIA SMITH
and CYNTHIA SMITH,

Plaintiffs,

v.

UNITED STATES OF AMERICA,
UNITED STATES POSTAL SERVICE,
JOHN E. POTTER, Postmaster
General, United States
Postal Service, and
TERRICK KING,

Defendants.

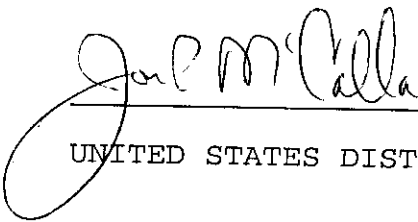
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No. 04-2042 M1/An

ORDER OF DISMISSAL

On February 16, 2005, the Court entered an order granting Defendant United States of America's Motion to Dismiss Plaintiffs' Amended Complaint because the Court lacked subject matter jurisdiction under the Federal Tort Claims Act, 28 U.S.C. § 2671 et seq. There being no remaining federal claims in the present lawsuit, the Court utilizes its discretion to decline to exercise supplemental jurisdiction over Plaintiffs' remaining state law negligence claim against Defendant Terrick King under 28 U.S.C. § 1367(c). Accordingly, this case is DISMISSED.

So ORDERED this 19th day of April, 2005.


UNITED STATES DISTRICT JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 22 in case 2:04-CV-02042 was distributed by fax, mail, or direct printing on April 21, 2005 to the parties listed.

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Honorable Jon McCalla
US DISTRICT COURT